

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Initially, it should be noted that the amendments to independent claims 27 and 28 are made to provide proper antecedent basis. As these amendments overcome the Examiner's rejection under 35 U.S.C. 112, second paragraph, they are properly enterable. This is further the case in light of the fact that they do not change the scope of the claims.

With regard to the rejection of claims 25-28 under 35 U.S.C. 112, first paragraph, Applicant traverses this rejection. The Examiner's attention is drawn, for example, to paragraph [0028], second sentence, as well as Figures 1.1 and 1.2, Figures 2.1 and 2.2, Figures 3.1 and 3.2, Figures 5.1 and 5.2, Figures 6.1 and 6.2, and Figures 7.1 and 7.2. All of the foregoing support the claimed subject matter referred to by the Examiner on page 2, paragraph no. 2 of her Office action.

The Examiner has rejected claims 25, 26, 27 and 28 over a variety of references.

With regard to claim 26, it is noted that the Examiner has rejected the claim under 35 U.S.C. 102 as being anticipated by U.S. Patent 3,587,132. The Examiner then goes on for thirty-five lines to explain how this reference is being read on independent claim 26. It speaks for itself that the Examiner's rejection is without merit.

With regard to the rejection of claim 25, it should be noted that the passage 10 in injection rod 9 is meant to inject a chocolate stream into the mold. The Examiner's interpretation of the references in rejecting claim 25 are without merit.

With regard to claim 27, again the Examiner has interpreted the references in a manner which defy the invention as a whole

concept of 35 U.S.C. 103. This rejection is improper.

With regard to claim 28, how the primary reference to Johnson can apply to claim 28 as presented is beyond Applicant's representative's imagination. Applicant believes that this rejection is without merit.

The early issuance of a formal notice of allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

By /Gregory P. LaPointe #28395/
Gregory P. LaPointe
Attorney for Applicant
Reg. No.: 28,395

Telephone: 203-777-6628
Telefax: 203-865-0297

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